

At the September 2006 session of the Judicial Conference, the Bankruptcy Miscellaneous Fee Schedule was revised. These changes, summarized below, are effective January 1, 2007.

Adversary Filing Fees

The Judicial Conference, at its September 2006 session, amended the Miscellaneous Fee Schedule to remove the linkage between the adversary filing fee and the civil action filing fee and to set the fee for filing an adversary proceeding at \$250.00.

Conversions

The Judicial Conference also approved the creation of a new fee to be included in the Bankruptcy Court Miscellaneous Fee Schedule. This new fee, which will not apply to *sua sponte* conversions, will be assessed whenever the filing fee of the chapter to which a case is converted exceeds the filing fee of the chapter under which the case was initially filed. This change allows for uniformity in fees and ensures that all debtors pay the same amount for the same type of cases and relief. **If the filing fee for the chapter to which the case is requested to be converted is less than the fee paid at the commencement of the case, no refund shall be provided.** The new fee is to be in addition to the existing fee of \$15.00 for converting a case under any chapter to a case under chapter 7.

Therefore, the following fees will apply for conversion:

From:	To:	Total Fee
Chapter 7	Chapter 11	\$755.00
Chapter 11	Chapter 7	\$15.00
Chapter 12	Chapter 7	\$60.00
Chapter 12	Chapter 11	\$800.00
Chapter 12	Chapter 13	\$35.00
Chapter 13	Chapter 7	\$25.00
Chapter 13	Chapter 11	\$765.00

Reopenings

The Judicial Conference amended the Bankruptcy Court Miscellaneous Fee Schedule to add an additional \$15.00 to the fee for reopening a Chapter 7 case. Thus, the total fee for reopening a Chapter 7 case will be \$260.00. For all other chapters the reopening fee will be the same as the filing fee in effect at the time the case is reopened.

To resolve ambiguity regarding exemptions from the reopening fee, the Judicial Conference amended the Bankruptcy Court Miscellaneous Court Fee Schedule to expressly state that the fee applies to a request to reopen a case in which the court did not enter a discharge and to clarify the two situations in which the exemption from the reopening fee for “actions related to the debtor's discharge” are applicable.

The two situations in which the exemption applies are: (1) to permit a party to file a complaint to obtain a determination under Rule 4007(b), and, (2) when a creditor is violating the terms of the discharge under 11 U.S.C. § 524.

Splitting or Deconsolidating Cases

The Judicial Conference amended the Bankruptcy Court Miscellaneous Fee Schedule to include an additional \$15.00 fee, to be paid when a joint Chapter 7 case is split into two cases. The new fees for splitting or deconsolidating cases are as follows:

Chapter	Fee
Chapter 7	\$260.00
Chapter 11	\$1,000.00
Chapter 12	\$200.00
Chapter 13	\$235.00

Appeals and Cross Appeals

The Judicial Conference has approved an amendment to remove the linkage to the Court of Appeals filing fee and to set the fee for filing an appeal or a cross appeal from a bankruptcy court decision at \$250.00. Coupled with the \$5.00 Notice of Appeal fee required by 28 U.S.C. 1930 (c), the total fee for an appeal will be \$255.00.

The Judicial Conference also established a new fee to be included in the Bankruptcy Court Miscellaneous Fee Schedule for taking a direct bankruptcy appeal to the court of appeals. The additional fee of \$200.00 (representing the difference between the bankruptcy appellate docketing fee and the court of appeals docketing fee) is due when the court of appeals authorizes a direct appeal or cross appeal.